

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 7.

Attachment: replacement sheet

### Remarks

Claims 1-41 are pending in the application. All claims stand rejected. By this paper, claims 1, 2, 13, 22, 23, 34, 40, 41 have been amended. Claims 4-7, 16-19, 25-28, and 37 have been canceled. New claims 42 and 43 have been added. Reconsideration of all pending claims herein is respectfully requested.

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(24) because reference numerals “432” and “436” in Figure 7 were both used to designate rotation indicators. Enclosed herewith is a replacement sheet for Figure 7 that corrects this error.

Claims 1, 2, and 4-41 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting. Enclosed herewith is a terminal disclaimer to obviate the double-patenting rejection.

Claims 1-41 were rejected under 35 U.S.C. 102(e) as being anticipated by Easty et al. (“Easty”). Claims 1, 2, 13, 22, 23, 34, 40, 41 have been amended to include the limitations of canceled claims 4, 5, and 16 reciting that the **second and subsequent curvilinear menus are rotatable** to radially align user-selected options with a fixed selection indicator. This creates a linear, **radially-extending selection path** through the curvilinear menus, allowing a user to easily view the selected options at each menu level in a single glance.

#### Easty Does Not Disclose Rotation of Second or Subsequent Menus

While the Examiner is correct that Easty discloses a rotatable “outer” menu, Easty does not disclose or suggest a rotating “inner” menu. Easty clearly states that

[w]hen an icon 11a is selected from the outer menu ring 11, in addition to rotating the outer ring to the new setting, the inner ring 12 is re-displayed with appropriate icons identifying the available subcategories associated with the selected category. For example, if the "music" category is selected from the outer menu ring 11, the icons displayed on the inner menu ring 12 will include rock, classical, etc. (FIG. 1b). When the inner menu ring 12 is initially displayed in response to a selection of a content category, an arbitrary one among the icons 12a is highlighted, such as the one located at the top of the inner ring, or a randomly selected one. Highlighting is done by means of a highlighting icon 14, which is a border having a distinctive shape surrounding the highlighted icon (FIG. 1b). The user may then select an icon 12a from the second menu ring 12 representing a subcategory of digital contents. When a second icon 12a is selected, the inner menu ring 12 is re-displayed with the selected second icon highlighted, **while the positions of the second icons along the second circle remain unchanged** (FIG. 1c).

Column 5, lines 45-64 (emphasis added).

Thus, when the user is selecting an item from the inner ring, Easty moves a highlighted border around items rather than "rotating" the ring. This is clearly shown in the transition between Fig. 1b and Fig. 1c in which the "Rock" icon is initially highlighted followed by the "Top40" icon. The "positions of the second icons along the second circle remain unchanged" (*i.e.*, unrotated). Indeed, the passage cited above explicitly **teaches away** from rotating the inner ring.

#### Easty's Selected Options Do Not Always Define a Radially-Extending Selection Path

Because Easty does not rotate the inner ring, the user-selected options from the outer and inner rings do not "**always** define a radially-extending selection path through the first and second curvilinear menus," as required by new claim 42.

Instead, the selected options at each menu level (or the "selection path") will be randomly scattered around Easty's concentric rings, as shown Fig. 1c. Easty does not explicitly disclose a "radially-extending" selection path (*i.e.*, a selection path

extending along a radius of the concentric menus). The only possible way that it might be radially-extending is if the user selected a series of icons that happened to be radially-aligned by default. However, this is not what is shown or described in Easty (Fig. 1c). In any case, Easty does not disclose or suggest the limitation of “**always** defin[ing] a radially-extending selection path,” as required by new claims 42 and 43.

Easty does not explicitly show three rings as recited in new claim 43. However, even assuming that Easty suggested more than two rings, there is no suggestion that a subsequent inner ring would be rotatable. Indeed, the only example of an inner ring in Easty is non-rotatable. Thus, Easty cannot teach or suggest that the user-selected options from the first, second, third (and subsequent) sets **always** define a radially-extending selection path through the first, second, and third (and subsequent) curvilinear menus.

Easty Does Not Disclose Playing Audio Sample in Response to an Option Being Aligned With Fixed Selection Indicator

As amended, claims 13 and 34 recite that a selectable option is associated with an audio sample, and that the audio sample is played in response to the corresponding option **being aligned** with the fixed selection indicator **prior to an explicit selection action**. As the user rotates the menu, audio samples associated with each option may be played before the user actually selects one of the options.

The Office Action appears to be confusing the concept of playing of audio samples in response to the corresponding option **being aligned** with the fixed selection indicator and the concept of playing of media content once the user has

actually selected an option. Merely aligning an option with a fixed selection indicator is not an act of selection, either in Easty or the in present application. Claims 13 and 34 have been amended to make it clear that the audio sample is played **prior to an explicit selection action**, resolving any possible confusion in this regard.

Easty Does Not Disclose a Second Curvilinear Menu Concentrically Displayed Around a First Curvilinear Menu In Response To a Selection of an Option from the First Menu

The applicant respectfully submits that the Office Action appears to have missed the distinction between claims 14 and 15 (as well as between claims 35 and 36). For example, claim 14 recites that the second curvilinear menu is concentrically displayed **around** the first curvilinear menu, while claim 15 recites that the second curvilinear menu is concentrically displayed **within** the first curvilinear menu. With regard to both claims, the Examiner states that “Easty teaches the inner and outer concentric rings are displayed around one another.” The applicants cannot understand, however, how an “inner” ring can be displayed *around* an “outer” ring.

The Office Action fails to take into account that the options of the second curvilinear menu are displayed in **response** to the selection of an option from the first curvilinear menu. In many cases, the second menu is a sub-menu that is hierarchically related to the first menu. For instance, claim 1 recites that a user makes a selection of an option from the first curvilinear menu. In response, a second curvilinear menu is concentrically displayed including a second set of options. The second menu may be concentrically displayed “within” the first menu or “around” the first menu, but not both.

Easty first displays an “outer” ring. After a selection of an item from the outer ring, an “inner” ring is displayed *within* (not around) the outer ring. Thus, subsequent rings for additional sub-menus become progressively smaller.

By contrast, claims 14 and 35 recite that the second curvilinear menu is displayed *around* the first curvilinear menu. Accordingly, subsequent curvilinear menus become progressively larger. Easty does not disclose or suggest progressively larger rings with each new sub-menu.

#### Easty Does Not Satisfy Anticipation Standard

To establish “anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” MPEP 706.02(a). In this case, Easty fails, at least, to teach or suggest the following:

- (1) rotating a *second* or subsequent menu to align with a fixed selection indicator;
- (2) *always* defining a radially-extending selection path through the menus;
- (3) playing an audio sample in response to an option being *aligned* (not selected) with the fixed selection indicator; and
- (4) concentrically displaying the second menu *around* the first menu, resulting in progressively larger menus.

#### Conclusion

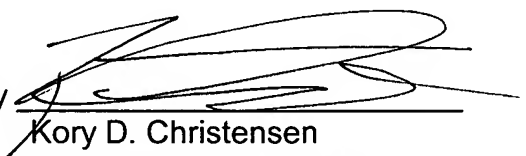
In view of the foregoing, independent claims 1, 22, 40, and 41 are believed to be patentably distinct over the prior art of record. In addition, at least dependent

claims 2, 13, 14, 23, 34, 35, 42, and 43 are believed to be patentably distinct for the reasons stated above. All other claims depend directly or indirectly from one of the foregoing claims and are likewise believed to be patentably distinct based on that dependency.

Accordingly, the applicants respectfully submit that all claims are in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

**Digeo, Inc.**

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